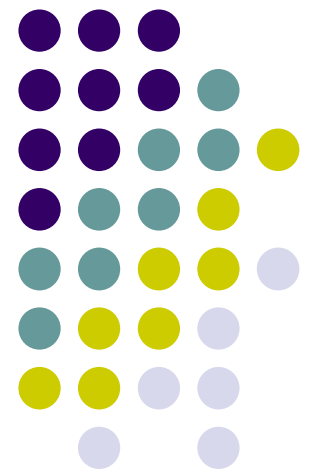


# Rooming House Ordinance

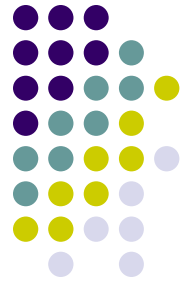
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March 24, 2008  
City Council



# Defines a Rooming House

Section 113.0103

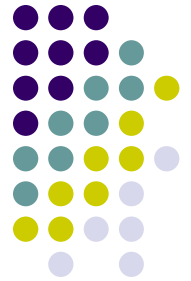


*Defines a rooming house based on state law criteria :*

*Rooming house means a dwelling unit where three or more rooms are rented individually or separately, to tenants under separate rental agreements.*

This version is streamlined but has not changed in meaning.

# Still Conforms to the 2003 State Attorney General Opinion



The goal is to stop commercial misuse of property, and preserve residential character of neighborhoods but do so without differentiating between owners, renters, and different types of tenants.

For these reasons, the ordinance is still constitutional. It still does not regulate who can live together or how many people can live together. Extended families living together will not be impacted by the ordinance.

# Amends Chapter 13: Zoning



The ordinance still zones rooming houses into neighborhoods with dwelling units that have similar densities and characteristics compatible with the typical rooming house.

Only this version excludes them from lower density multi-family zones.

So it excludes rooming houses  
from these zones:



All RS: Residential single dwelling  
unit

RM - 1: 1 du per 2000, 2,500, and  
3,000 sf of lot area.

*new!*

RM -2: 1 du per 1,250, 1,500, and  
1,750 sf of lot area.

*new!*

# But it allows rooming houses in these zones:

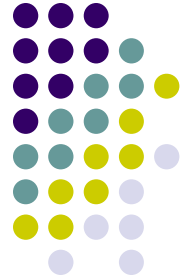


RM-3: 1 du per 1000, 800, and 600 sf of lot area

RM-4: 1 du per 200 and 400 sq of lot area

These are higher density zones, mostly with apartment complexes.

# Zoning Considerations



Council may wish to further refine which zones may allow rooming houses.

# Consider the Differences Between RM-1 and RM-2 Zones

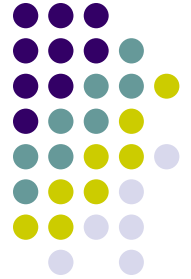


RM-1 and RM-2 are generally the City's first residential suburbs, the "trolley line" neighborhoods.

These areas are mixed with multi-family but they still have retained some single residential characteristics, especially the RM-1 zones.



# Establishes a 3 Year Phase Out



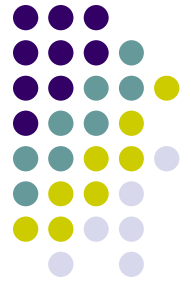
Previously conforming rooming houses "shall be unlawful three (3) years from the effective date of ordinance."

This period is the same as before, but given it is only three years, the NUP requirement to expand existing rooming houses was removed.

This streamlines and simplifies the ordinance without compromising the goals.

# Establishes Off Street Parking Ratios

## Section 142.0525

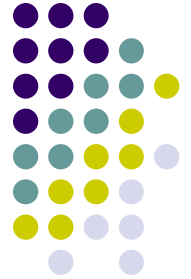


Requires off-street parking of 1:1 per tenant.  
This is an increase from 1:2 per tenant.

Community Planners Committee recommended this higher ratio at their November 29 meeting.

The same lower ratios would apply in low income and transit areas, and for motorcycles.

# Parking considerations



Council may wish to delete proposed parking amendments altogether, and instead simply apply the parking ratio for the underlying zones.

# Two Examples



For example, if the ordinance retains the "RM-3 and RM-4 " approach, then the required parking already established for higher density housing should be sufficient.

Or

For example, if there is a motion to allow rooming houses in RM-2, then the Residential High Occupancy Permit ordinance should fill the gap, and adequately address parking needs in those neighborhoods.\*

\* Under RHOP, if than 6 adults reside together, the permit requires off-street parking of six "minus one," if 7, then seven minus one, and so forth.

# Separately Regulated Uses

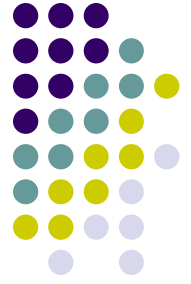


To provide extra assurance, the ordinance now spells out that these uses will not be impacted by the ordinance. These include, for example,

- Transitional Housing
- Residential Care Facilities
- Housing for Seniors
- Boarder and Lodger Accommodations

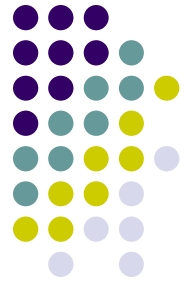
Ref: SDMC Section 141.0301  
SDMC Section 131.0112(b)

# The “6 or fewer persons” facilities are Separately Regulated Uses too.



- Residential Care Facilities:
  - 6 or Fewer Persons are Permitted by Right
  - 7 or More Persons require Conditional Use Permit
- Transitional Housing:
  - 6 or Fewer Persons are Permitted by Right
  - 7 or More Persons require Conditional Use Permit

Ref: SDMC Table 131.04B



## What is *not* a rooming house?

The ordinance now states that housing protected by federal or state law, including housing for persons protected under the Federal and State Fair Housing Acts are *not* rooming houses.

This is a new clause to protect the unregulated sober living facilities, room rentals for the mentally ill, and all others protected by fair housing laws.

# Note that Fair Housing Case Law Protects Sober Living Facilities



## **Tsombanidis v. City of West Haven (2001)**

Held: Where a city classified a sober living home as a lodging or boarding house in violation of a single-family zoning ordinance, the ordinance was held to be discriminatory under the Act.



# A Bit More on Housing Impacts in General

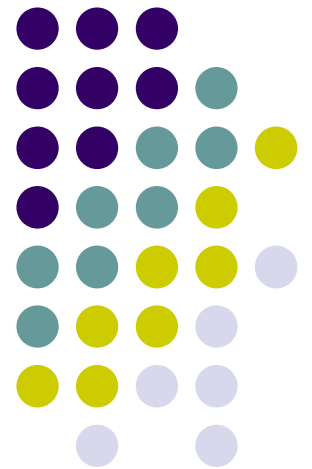


- Ordinance does not limit housing density or change occupancy limits.
  - Example: Under state law a bedroom 10'x12' allows two persons to occupy that room.
- Rooming house tenants will have three years to find replacement housing.
- Rooming houses in the affected zones may be re-marketed as whole house rentals.
- No impact to Boarder and Lodger accommodations as an accessory use.

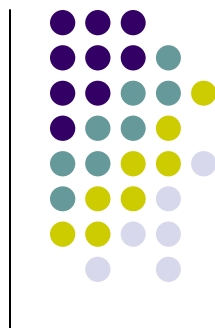
# Now turning to Enforcement

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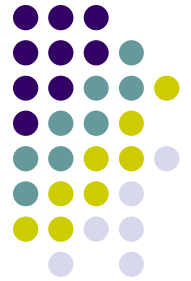
## Neighborhood Code Enforcement







## *Draft* FACTORS TO BE USED IN DETERMINING THE EXISTENCE OF A ROOMING HOUSE



The following factors may be used as a guideline to determine the existence of a rooming house in accordance with SDMC §131.0112 (a) (3) (A). While this list will generally form the basis of the initial investigation, other factors not included herein may be used in making the determination. It should also be noted that a subject residence does not have to meet every single factor on the list in order to be declared a rooming house. These factors are intended to be indicators only; the final determination of rooming house will be made on a case by case basis, using all of the relevant facts associated with the individual case.

# The Draft Factors

March 12, 2008



- Where a property owner, landlord, or master tenant:
  - Solicits occupants to rent individual bedrooms or guestrooms and such occupants may have no prior relationship to one another.
  - Replaces former occupants in a serial manner to new occupants who may have no prior relationship to current occupants.
  - Collects compensation separately from each occupant or from separate groups of occupants.
  - Omits to include, or fails to enforce, a joint and several liability clause, when an occupant or group of occupants does not provide the agreed upon compensation.
  - Assigns bedrooms or guestrooms separate numbers or letters.
  - Maintains separate locks on each bedroom or guest room, provides separate keys to each occupant, and retains a master set of keys for all rooms.
  - Maintains free and unnoticed access to common areas such as living rooms, dining rooms, kitchens, bathrooms, and garages.
  - Restricts use of individual rooms or common areas to individual tenants.
  - Establishes separate mail delivery slots for each occupant or group of occupants.
  - Assigns or provides separate storage spaces for food and general storage to individual tenants.
  - Assigns or provide separate parking spaces to individual tenants.
  - Allows individual tenants to install and maintain separate cable or satellite service in individual guest rooms.